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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LARRY CALDWELL,

Plaintiff,

vs.

**ROSEVILLE JOINT UNION HIGH
SCHOOL DISTRICT; JAMES
JOINER, et al,**

Defendants.

CASE NO. 2:05-CV-00061-FCD-JFM

**STIPULATION AND ORDER RE:
CONTINUANCE OF DISCOVERY CUT
OFF DATE; CONTINUANCE OF
HEARING ON CROSS SUMMARY
JUDGMENT MOTIONS; AND
CONTINUANCE OF BRIEFING
DEADLINES FOR CROSS SUMMARY
JUDGMENT MOTIONS**

"REQUESTED DATE MODIFIED"

STIPULATION

On December 18, 2006, this court entered its order granting plaintiff's Rule 56(f) motion to continue the hearing on the parties' respective summary judgment motions to give plaintiff time to complete limited discovery needed to oppose defendants' summary judgment motions and to support plaintiff's summary judgment motion. The court ordered the limited discovery authorized to be completed within ninety (90) days of the order, which is March 19, 2007. In the order, the court authorized each side to file supplemental briefing regarding the parties' summary judgment motions not to exceed fifteen (15) pages by April 13, 2007; authorized each side to file a supplemental reply regarding the parties' summary judgment motions not to exceed five (5) pages by April 20, 2007; and scheduled a further hearing on the parties' respective summary judgment motions on April 27, 2007, at 10:00 a.m..

The parties have worked diligently and cooperatively to complete the discovery by the March 19, 2007 deadline and have been able to complete all written discovery and all depositions except for one deposition. The parties are unable to complete the deposition of Kelly Lafferty, a third-party witness by the March 19th deadline, due to Mrs. Lafferty's health condition. Mrs. Lafferty has been diagnosed with melanoma, and she is currently undergoing chemotherapy treatments that will render her unavailable to give deposition testimony for at least an additional month and possibly longer.

The parties agree that, if possible, Mrs. Lafferty's deposition should be completed before the parties submit their supplemental briefs for the continued hearing on the cross motions for summary judgment, since it appears from the informal and formal discovery conducted to date that Mrs. Lafferty's testimony may be relevant to the pending summary judgment motions.

Therefore, the parties respectively stipulate and request the court to enter the accompanying order continuing the deadlines regarding the further hearing on the summary judgment motions for approximately sixty (60) days as follows:

The deadline for the parties to complete the deposition of Mrs. Lafferty should be extended from March 19, 2007 to May 18, 2007, and the parties are not authorized to conduct any additional discovery other than Mrs. Lafferty's deposition:

1 The deadline for the parties to file supplemental briefing regarding the summary
2 judgment motions not to exceed fifteen (15) pages should be extended from April 13, 2007 to
3 June 15, 2007.

4 The deadline for the parties to file supplemental reply briefing regarding the summary
5 judgment motions not to exceed five (5) pages should be extended from April 20, 2007 to June
6 22, 2007.

7 The further hearing on plaintiff's and defendants' summary judgment motions should be
8 continued from April 27, 2007 to June 29, 2007, at 10:00 a.m.

9 The parties respectfully request that the court enter an order in the form of the attached
10 proposed order.

11 IT IS SO STIPULATED.

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13 DATED: March 14, 2007

By: /s/ Larry Caldwell

Larry Caldwell
Plaintiff in Pro Per

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16 DATED: March 14, 2007

PACIFIC JUSTICE INSTITUTE

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18 By: /s/ Kevin T. Snider

Kevin T. Snider, Esq.,
Attorney for Plaintiff

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21 DATED: March 14, 2007

EVANS, WEICKOWSKI & WARD, LLP

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23 By: /s/ James K. Ward

James K. Ward, Esq.,
Attorneys for Defendants

ORDER

Based upon the foregoing stipulation by the parties, and good cause appearing, the court orders as follows:

The deadline for the parties to complete the deposition of Mrs. Lafferty should be extended from March 19, 2007 to May 18, 2007, and the parties are not authorized to conduct any additional discovery other than Mrs. Lafferty's deposition prior to the court's ruling on the parties' pending summary judgment motions:


The deadline for the parties to file supplemental briefing regarding the pending summary judgment motions not to exceed fifteen (15) pages is extended from April 13, 2007 to June 15, 2007.

The deadline for the parties to file supplemental reply briefing regarding the summary judgment motions not to exceed five (5) pages is extended from April 20, 2007 to June 22, 2007.

The further hearing on plaintiff's and defendants' summary judgment motions is continued from April 27, 2007 to July 13, 2007, at 10:00 a.m.

IT IS SO ORDERED.

DATED: March 15, 2007


FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE